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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,457	09/13/2005	Laurens Last	112701-477	5826
29157 7590 09/30/2009 K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690				
EXAMINER				
NGO, LIEN M				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/523,457

Applicant(s)

LAST, LAURENS

Examiner

LIEN TM NGO

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-9, 20-26, 28-31, 33, 35-37 and 39-55 is/are pending in the application.
- 4a) Of the above claim(s) 30 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 41-55 is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, 20-26, 28, 29, 31, 33, 37 and 40 is/are rejected.
- 7) ☒ Claim(s) 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutierrez et al. (6,871,015). Gutierrez et al. disclose, in figs. 1, 9, 20 and 21, a bag-in-box assembly comprising a box member 1 and an assembly of bags 85 therein filled with liquid beverage components, each bag having an associated first connector element 18 connectable to a second connector element 860 of a dispensing device and the first connector elements being interconnected by a base element 61.
3. Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Emody (4,856,676). Emody discloses, in figs. 1, 2 and 9, a bag-in-box assembly comprising a box member 20 and an assembly of bags 72 therein filled with liquid beverage components, each bag having an associated first connector element 75 connectable to a second connector element 280 of a dispensing device and the first connector elements being interconnected by a base element 76.

4. Claims 1, 4-9, 20-26, 31, 33, 37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Savage et al. (5,885,553).

Savage et al. disclose, in figs. 1-3, 5C and 6-8, a System for dispensing at least one liquid substance, comprising: at least one bag 302, 304 filled with a substance which is to be dispensed, a dispensing device comprising a housing having a space for accommodating the bag, -the bag has comprising a first connector element 402; -the dispensing device has comprising a second connector element 108 connectable to the first connector element allowing discharge of said substance from the bag, the dispensing device further comprising retaining means 116 for retaining the first connector element of each bag in a defined pre-connection position prior to interconnecting the first and second connector elements ; the first and second connector elements being displaceable relative to each other between a connected position and a disconnected position, and-the dispensing device comprising actuator means 120 associated with the first or second connector elements for displacing the first and second connector elements relative to each other between the connected and unconnected position; the actuator means having a rectilinear guide means 116 for guiding a common support of multiple a carrier member 104; the first connector element and the base element interconnected by a snap means (see figs. 4); and closing means (see fig. 5 C).

Allowable Subject Matter

5. Claims 35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 41-53 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 28 and 29 have been considered but are moot in view of the new ground(s) of rejection.
8. Applicant's arguments, regarding to claims 1, 4-9, 20-26, 31, 33, 37 and 40, filed 6/10/09 have been fully considered but they are not persuasive.
9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the retaining means are located at the bottom side of the space, the retaining means comprises a bracket, a top face, two parallel rails, etc. as applicant's argument in the remake, page 15) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LIEN TM NGO/
Primary Examiner, Art Unit 3754

September 27, 2009